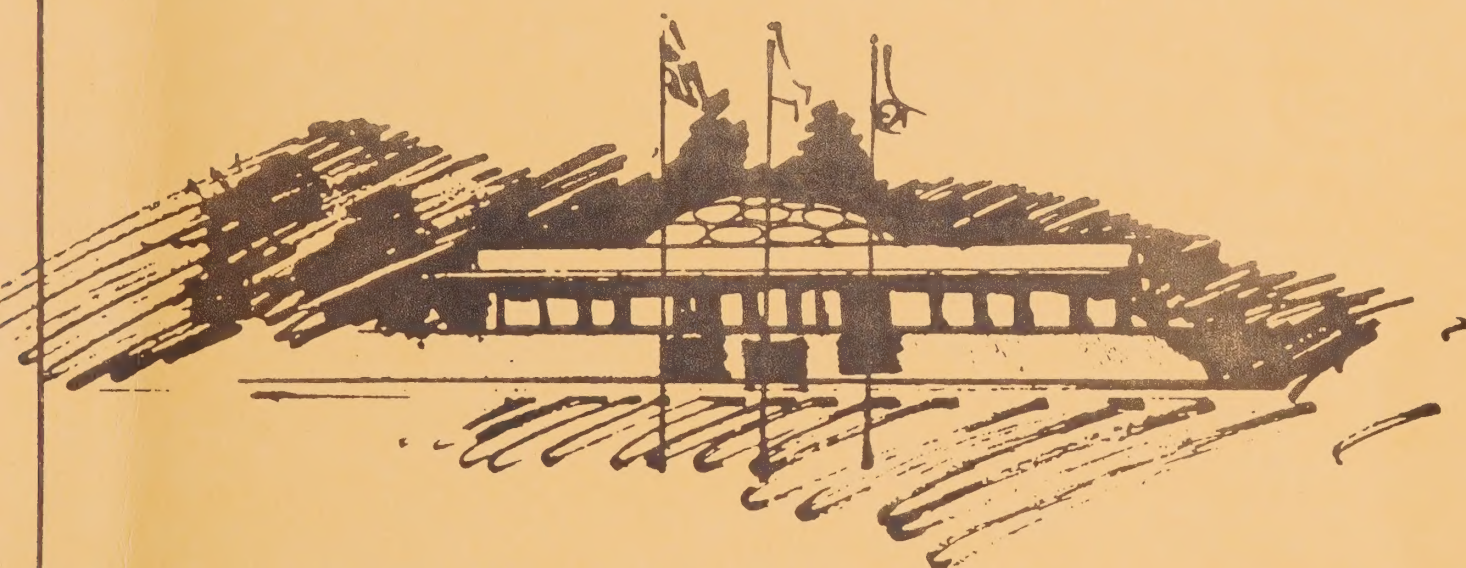


# AFFIRMATIVE ACTION PLAN



AMENDED 2/3/83

INSTITUTE OF GOVERNMENTAL  
STUDIES LIBRARY

APR 5 1983

UNIVERSITY OF CALIFORNIA



CITY  
OF  
SEASIDE

SEASIDE  
OF





130/218

ORDINANCE NO. 628

AN ORDINANCE AMENDING AND REVISING CHAPTER 2.46  
OF THE SEASIDE MUNICIPAL CODE, RELATING TO THE  
AFFIRMATIVE ACTION PLAN.

---

THE CITY COUNCIL OF THE CITY OF SEASIDE DOES ORDAIN AS FOLLOWS:

Section 2.46.010 of the Seaside Municipal Code is hereby  
amended and revised to read as follows:

"2.46.010 Adopted by Reference. The affirmative action  
plan, marked "Exhibit A" and attached to Ordinance 522, on  
file in the office of the city clerk, and attached to this  
code as "Appendix A", is incorporated in its entirety by  
reference as if fully set forth in this chapter."


This Ordinance shall take effect, and be in full force  
and effect, at the expiration of thirty (30) days after  
adoption by the City Council of the City of Seaside.

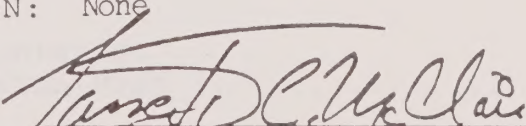
INTRODUCED this 20th day of January, 1983.

PASSED AND ADOPTED at the regular meeting of the City  
Council of the City of Seaside, duly held on the 3rd  
day of February, 1983, by the following vote:

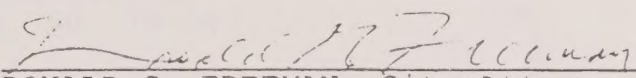
AYES:	COUNCILMEN:	Polite, Mason, Houser, Lioi and Mavor McClair
NOES:	COUNCILMEN:	None
ABSENT:	COUNCILMEN:	None
ABSTAINED:	COUNCILMEN:	None

ATTEST:

  
\_\_\_\_\_  
ROGER L. KEMP, City Clerk

  
\_\_\_\_\_  
LANCELOT McCLAIR, Mayor

APPROVED AS TO FORM:


  
\_\_\_\_\_  
DONALD G. FREEMAN, City Attorney



## TABLE OF CONTENTS

<u>SECTION NO.</u>	<u>TITLE</u>	<u>PAGE NO.</u>
1	Policy Statement .....	1
2	Responsibility of Implementation .....	3
3	Utilization Analysis .....	5
4	Audit to Identify Deficiencies .....	5
5	Affirmative Recruitment .....	6
6	Nepotism Policy (Ord. No. 582).....	7
7	Job Qualifications and Testing .....	8
8	Career Development .....	9
9	Equal Benefits .....	10
10	Leave Policies .....	10
11	Goals of the Affirmative Action Plan .....	11
12	External Relationships: Unions, Employment Agencies, Contractors .....	12
13	Affirmative Action Policy for Contracts Awarded by the City of Seaside in Excess of \$10,000 (Ord. No. 570) .....	13
14	Enforcement .....	21
15	Appeals .....	21
16	Staff Orientation in EEO .....	21
17	Dissemination of Plan .....	22
18	Monitoring Performance .....	23
19	Guidelines for Implementation of the Affirmative Action Plan .....	24
Appendix A	Purchase Procedure Minority-Owned Business (Ord. No. 559) .....	27
Appendix B	Affirmative Action Plan for CD Funds (Res. No. 81-24) .....	29
Appendix C	Appointment to Board and Commissions of the City of Seaside (Res. No. 79-54) .....	39





Digitized by the Internet Archive  
in 2024 with funding from  
State of California and California State Library

<https://archive.org/details/C124895738>

AN ORDINANCE ADOPTING REVISED AFFIRMATIVE ACTION PLAN FOR  
THE CITY OF SEASIDE

WHEREAS, the City Council is desirous of making the Affirmative Action Plan of the City of Seaside more effective, and

WHEREAS, a totally revised Affirmative Action Plan has been prepared to better comply with Federal and State guidelines,

NOW, THEREFORE, the City Council of the City of Seaside does ordain as follows:

SECTION 1.

Ordinance No. 468, entitled Affirmative Action Plan and consisting of Sections 11-101 through 11-113, as amended, of the Municipal Code, is hereby rescinded.

SECTION 2.

Section 1-420 is hereby added to the Municipal Code consisting of pages 1-16 of the attached Affirmative Action Plan marked "Exhibit A" and incorporated herein by reference as if fully set forth. Said document in its entirety shall be incorporated into the Municipal Code as Section 1-420.

SECTION 3.

Section 1-421 is hereby added to the Municipal Code to read as follows:

"In order to institute and carry out the Affirmative Action Plan, the City Manager shall appoint, assign or hire, with the consent and approval of the City Council, an Affirmative Action Officer who shall be directly responsible to the City Manager."

SECTION 4.

Section 1-422 is hereby added to the Municipal Code to read as follows:

"The Human Relations Commission shall be designated as the advisory body to the City Council regarding





Affirmative Action matters."

SECTION 5

This ordinance shall be published once after its passage in the Seaside Post News-Sentinel and shall be in force and take effect thirty (30) days from and after its passage and approval.

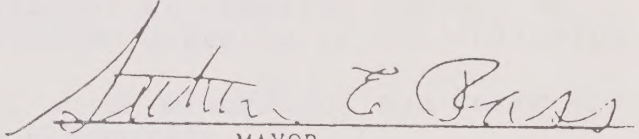
INTRODUCED this 3rd day of August, 1978.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Seaside duly held on the 17th day of August, 1978.

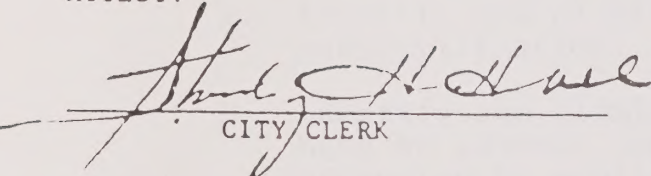
AYES: Councilmen Bowser, Haddad, Houser, Olea and Mayor Ross

NOES: None

ABSENT: None

  
MAYOR

ATTEST:

  
CITY CLERK



## SECTION 1

### POLICY STATEMENT

The City of Seaside declares and reaffirms a policy of equal employment opportunity and of nondiscrimination in the provision of all services to the public.

#### A. EQUAL EMPLOYMENT OPPORTUNITY.

The City will make all decisions regarding recruitment, hiring, promotions, and other terms and conditions of employment without discrimination on grounds of race, color, creed or religion, sex, national origin, age, physical or mental handicap, or other factors which cannot be lawfully used as the basis for an employment decision.

#### B. AFFIRMATIVE ACTION IN EMPLOYMENT.

The City undertakes a program of affirmative action, to which good faith efforts will be directed to the following:

1. Determine the extent to which minorities and women are underutilized in major categories.
2. Identify and eliminate the specific causes of such underutilization.
3. Identify and eliminate all employment practices which have an adverse impact on minorities, women and others protected by applicable law and the relationship of which to job performance has not been clearly established.
4. Replace such practices by others which are based on merit and valid job qualifications.
5. Develop substantial applicant pools of validly qualified minorities and women, special recruitment efforts and other measures to ensure that sufficient numbers of these groups are included to help reduce their underutilization.
6. Develop, through special recruitment efforts and other measures, applicant pools in which handicapped persons and Vietnam era veterans are represented equitably.
7. Project goals and timetables to include estimates of the representation of minorities and women likely to result from the operation of this affirmative action plan (see Appendices).



8. Establish organizational structures and monitoring systems which will assure effective operation of the affirmative action program, achievement of its goals and means for modification of the plan as needed.

C. NONDISCRIMINATION IN PUBLIC SERVICES.

The City reaffirms its policy of nondiscrimination, on the basis of racial minority status, sex, or other impermissible grounds, in the provision of all services provided to members of the public by all agencies and facilities of the city.

The City commits itself to a continuing program to assure that unlawful discrimination does not occur in the services it renders to the public and that those sectors of the public most affected by this policy be kept informed of its content.

Every contract or subcontract of the City for public works or for goods or services shall contain a clause obligating the contractor or subcontractor to observe the requirement of Section 13. The clause shall be in substantially the following form:

Contractor agrees to observe the provisions of Section 13 of the Affirmative Action Plan of the City of Seaside, obligating every contractor or subcontractor under a contract or subcontract with the City of Seaside for public works or for goods or for services to refrain from discriminatory employment or subcontracting practices on the basis of the race, color, sex, age, religious creed, physical or mental handicap, national origin or ancestry of any employee, any applicant for employment or any potential subcontractor. Said Section 13 is, by this reference, a part of this contract.

D. COMPLIANCE WITH LAWS.

Through the policies and programs set forth in this plan, the city undertakes to comply fully with all applicable federal, state, and local laws relating to equal employment opportunity, affirmative action, and nondiscrimination in public services. This plan specifically addresses the obligations of the City under the following laws and regulations:

1. Titles VI and VII, Civil Rights Act of 1964, as amended
2. Executive Order 11246, as amended
3. Revised Order Number 4

4. The Equal Pay Act of 1963
5. The Rehabilitation Act of 1973
6. The Vietnam Era Veterans Rehabilitation Act of 1974
7. Title IX of the Education Amendments of 1972

## SECTION 2

### RESPONSIBILITY FOR IMPLEMENTATION

#### A. THE CITY MANAGER

Ultimate responsibility for achievement of equal employment opportunity in the City, through this affirmative action plan and otherwise, is assigned to the City Manager, under both the law and principles of sound public administration.

#### B. THE AFFIRMATIVE ACTION OFFICER.

The City Manager assigns responsibility for the day to day operations and implementation of this plan to the Affirmative Action Officer. The responsibilities of the Affirmative Action Officer include, among other things:

1. Developing a written Affirmative Action Plan for the jurisdiction and updating of it from time to time to conform with all applicable laws and regulations.
2. Directing and/or coordinating the programs established under the plan.
3. Collecting, analysing and publishing all statistical data called for in this plan and its guidelines.
4. Preparing of all government reports required with regard to equal employment opportunity in the jurisdiction and to operations of this plan.
5. Assisting Department Heads and/or other personnel who need technical advice or administrative support in meeting their responsibilities under this plan and under applicable equal employment opportunity laws and regulations generally.
6. Establishing liaison with nonprofit racial minorities and women's organizations which specialize in recruiting racial minorities and women, maintenance and updating of a list of such organizations capable of producing qualified minority and women applicants for employment by the City, and regular evaluation of the effectiveness of such organizations.

7. Establishing liaison with various businesses and organizations to develop and maintain effective affirmative action programs commensurate with laws established by state and federal statutes and regulations.
8. Developing and maintaining a roster of female and minority owned businesses and contractors for the purpose of assisting all contractors, vendors and suppliers doing business with the City to meet their obligations under Section 13 of this ordinance. This roster shall be provided to each bidder on all City projects.
9. Maintaining a percentage breakdown of minority appointments to various City commissions and boards by the City Council, and make such information available to said City Council through the City Manager whenever vacancies occur.
10. Reviewing, on an annual or more frequent basis, the employment practices of the City. The review should include such related documents as job descriptions, applications forms, job announcements, placements, promotions, etc., to help assure that any such practices which are discriminatory are eliminated or modified.
11. Assisting responsible personnel in the hiring units in development of affirmative recruitment programs to help achieve their goals under this plan.
12. Preparing a monthly and an annual report on affirmative action in the City for submission to the City Manager for review and publication.

C. THE PERSONNEL OFFICER.

The Personnel Officer is responsible under this plan to take the following actions, in consultation with the Affirmative Action Officer:

1. Maintenance of all central personnel records in a manner consistent with applicable employment practice laws and regulations and with the requirements of this plan.
2. Development and maintenance of all personnel directives in a manner that is consistent with applicable laws and regulations of this plan.
3. Periodical review of the City's classification system or procedures, benefit packages, leave policies, training and career development programs, and other employment practices, to assure that all such prac-



tices conform with current legal and regulatory requirements and the provisions of this plan.

### SECTION 3

#### UTILIZATION ANALYSIS

In compliance with applicable government regulations, and as set forth in the guidelines for implementation of this plan, the City will conduct a utilization analysis. The analysis will be conducted separately for racial minority group members and women and will be constructed to determine, on both a city and departmental basis, the extent to which minority group members and women have been employed in major occupational categories by the City which are consistent with their availability in the relevant labor markets.

Estimates of availability will be based on the presence of racial minorities, women, and others who are qualified for employment in each occupational category covered by the analysis.

### SECTION 4

#### AUDIT TO IDENTIFY DEFICIENCIES

The City will monitor all classification, qualification, recruitment, hiring, promotional and other employment practices in order to identify all such practices which have contributed to the underutilization of racial minorities and women. Any practices which have adverse impacts on the employment of racial minorities or women, and which are not proven to be related directly to job performance will be eliminated and replaced with practices which are not unlawfully discriminatory.

An annual analysis covering the fiscal year will be conducted by the Affirmative Action Officer to evaluate progress toward affirmative action goals. This analysis in written form shall be based on the following:

1. Number of vacancies during this year.
2. Applicant flow data as to sex and ethnic minority.
3. Record of new hires, transfers, promotions, and terminations.

4. Applicant availability.
5. Current staff ethnic and sex survey.
6. Study of recruitment, classification and selection procedures and identification of any barriers to a sound Affirmative Action Program.
7. Study of recruitment materials, job descriptions, specifications, applications and other forms to eliminate statements or questions that might indicate a preference for or discriminate against minority applicants or persons of either sex.

The Affirmative Action Officer shall report monthly, quarterly and annually a summary to the City Manager concerning progress towards the goals of the Affirmative Action Program. The report shall contain supporting information. The City Manager shall, in turn, submit this report to the Human Relations Commission for discussion and recommendations. Copies of the report shall also be posted on appropriate employee bulletin boards.

In coordinating the review of those practices, the Affirmative Action Officer will work in close consultation with the Personnel Officer and the Human Relations Commission. The results of the review, including any recommendations for changes in the employment practices of the City will be stated in writing to the City Manager and shall become a part of the Affirmative Action Plan upon review and adoption by the City Council.

## SECTION 5

### AFFIRMATIVE RECRUITMENT

The City recognizes that preferential hiring on the basis of racial minority status or sex would be unlawful, even as a means of addressing underutilization of racial minorities or women, except as a numerical remedy ordered by a court. Accordingly, the City undertakes a vigorous program of Affirmative recruitment for racial minority group members and women in all job categories in which they are found to have been underutilized.

Regardless of whether or not such underutilization currently exists, the City will conduct an expanded program of open recruitment in all positions to avoid the possible discriminatory effects of informal job networks and similar systems. The City's affirmative recruitment program will include, but not be limited to, the following specific actions:

1. Development of search strategies for qualified minorities and women for executive level appointments. This will be a continuing function of the Affirmative Action Officer in consultation with the Human Relations Commission, the operating agencies and personnel.
2. Written Affirmative Recruitment Plans. Each responsible hiring unit shall prepare a statement setting forth the specific steps it will take to assure appropriate representation of minorities and women in its applicant pools. The Personnel Officer will prepare an overall affirmative recruitment plan in consultation with the Affirmative Action Officer.
3. Open Posting of Vacancy Announcements. All vacancies for all positions at all levels in the City will be openly posted at places that are prominently visible to all employees in all departments, divisions, satellite agencies, etc. The posting period shall be of sufficient duration, but no fewer than ten working days, to allow time for interested personnel to consider applying.
4. Broad Public Announcement of Vacancies. The personnel Officer will include public announcements in such media as Help Wanted columns of major and racial minority newspapers, professional journals, and publications which specifically serve racial minorities and women. As available, public service time will be utilized on television and/or radio to ensure that racial minorities and women are reached.

## SECTION 6

### NEPOTISM POLICY

The City will not employ members of the "immediate family" in the same department or administrative unit.

The term "immediate family" shall mean wife, husband, son, daughter, mother, father, brother, brother-in-law, sister, sister-in-law, son-in-law, daughter-in-law, mother-in-law, father-in-law, aunt, uncle, niece, nephew, stepparent and stepchild.

All City employees, including the Mayor and members of the City Council shall disclose any member of the immediate family employed by the City. The Mayor and/or Council member shall refrain from voting on any decision affecting such family member's job.



## SECTION 7

### JOB QUALIFICATIONS AND TESTING

The Personnel Officer, in consultation with the Affirmative Action Officer, will conduct a review of all job descriptions, minimum experience and training requirements, job qualifications, and written and oral tests to determine which have adverse effects in the hiring of any group on the basis of sex or racial minority status. No such test which is not validated in accordance with applicable federal and state government guidelines will be used in the selection of employees of the City.

In conducting the review, the Personnel Officer will analyze each job, by title or classification, in terms of the actual tasks performed, the frequency and difficulty of their performance, and the relative importance of specific employee traits and skill levels needed to perform those tasks.

Upon determining that any job description or set of qualifications has an adverse effect on minorities or women, but has not been proved to be related directly to job performance, the Personnel Officer will take such steps as are necessary for the City to suspend further use of the qualification until it is validated in accordance with law.

Records relating to the analyses of jobs and job qualifications will be available for review by the Affirmative Action Officer and the Human Relations Commission, either one of which may make recommendations regarding the content of jobs and the impact of qualifications for them.

Every selection device related to job performance which also has an adverse impact on the employment opportunities of racial minorities or women will be eliminated and replaced by other valid selection devices which do not have adverse effects, if that can be accomplished without unreasonable cost or burden to the operations of the City. In order to assure that the adverse effects of any written or oral tests used by the City are detected, the Affirmative Action Officer will maintain records of the pass/fail rates, by race and sex. The Personnel Officer will furnish to the Affirmative Action Officer such records that are supportive and are directly under his purview as stated in Section 17 of this plan. The records will be reviewed periodically by the Affirmative Action Officer, who will advise the City Manager if any test appears to have an adverse impact on racial minorities. The recommendations shall be made according to applicable federal and/or state guidelines.

Upon determining that a test has an adverse impact on the employment opportunities of racial minorities or women, the

Personnel Officer will take the necessary steps for the jurisdiction to suspend further use of the test until it has been validated in accordance with applicable federal or state government regulations.

## SECTION 8

### CAREER DEVELOPMENT

To some extent, achievement of equitable distribution of racial minorities and women throughout all job classifications in the City, as projected in goals and timetables, will be the result of initial assignments, subsequent transfers, promotions and training. To assure that racial minorities and women are given access, affirmatively, to all positions and all lines of progression within the City, the following policies and practices shall apply:

1. Initial referrals for job interviews in operating units will be made with deliberate consideration of affirmative action goals, under procedures developed by the Personnel Officer in consultation with the Affirmative Action Officer. All persons directly involved in the interviewing process and in decisions regarding assignments will be given specific orientation concerning this policy.
2. All employees will be permitted to apply, through transfer, promotion, or otherwise, for higher or more favorable (from a career perspective) positions in the City without advance approval by, or notice to, the present supervisor.
3. All employees who apply and are not selected for such positions will be so informed in writing.
4. A career counseling program will be established to assist lower level employees in achieving career advancement, with emphasis placed on advancement into positions in which racial minorities and women have been excluded or significantly underrepresented. The program will be developed by the Personnel Officer in consultation with the Affirmative Action Officer.
5. In-house training, tuition remission and refund, and similar programs will be reviewed periodically by the Affirmative Action Officer and the Human Relations Commission for possible modification or expansion to better achieve the purposes of this plan.

6. The Personnel Officer, in consultation with the Affirmative Action Officer, will develop specific career ladders, as a specific measure to help assure that racial minorities and women will not be improperly relegated to "deadend" jobs, as well as a generally sound personnel management procedure.

## SECTION 9

### EQUAL BENEFITS

- A. The Personnel Officer and Affirmative Action Officer will review periodically, at least annually, all benefits for employees of the City to assure that all benefits are available to employees without discrimination on any prohibited ground. The reviews will include all medical, hospital, accident and life insurance programs; all other benefits provided by the City.
- B. The City will not participate in any medical insurance program that discriminates unlawfully with regard to coverage of any illness or disability, including those related to pregnancy, miscarriage or therapeutic abortion and childbirth.
- C. The City will not participate in any retirement, pension, insurance, or other similar welfare program, unless either the benefits or the City's contributions are equal for all employees without unlawful discrimination because of sex or other covered grounds.
- D. The City will not pursue or maintain any retirement policy requiring employees to retire earlier than that age established for mandatory retirement under the Public Employees Retirement System law in effect at that time.

## SECTION 10

### LEAVE POLICIES

- A. All leave policies of the City will be formulated and administered without discrimination on the basis of sex or any other prohibited ground.
- B. Pregnancy, miscarriage, therapeutic abortion, childbirth, and recovery therefrom can be considered by the City as temporary physical disabilities under the City's leave program. Leave granted for any temporary physical disability will be granted without discrimination because of sex or any other prohibited ground.



- C. In the case of any temporary physical disability, including disabilities resulting from pregnancy and childbirth, all classes of employees will be granted leave on a basis which does not discriminate on prohibited grounds. Usage of leave shall proceed in the following order: all accrued sick leave, all accrued annual leave, and finally, leave without pay when the first two types of leave have been exhausted. All of these shall be granted without discrimination on prohibited grounds. Employees granted leave under these circumstances will retain all employment rights in their current positions at least until the authorized period of leave without pay has expired.
- D. The City will not maintain or act upon any written or unwritten policy which excludes applicants or employees from employment with the City because of pregnancy. Moreover, employees who are pregnant will not be required to stop work at a time other than that specified by their personal physicians.
- E. Extended leaves of absence without pay, including long term military leave and childrearing leave, will be granted without discrimination because of sex or any other prohibited ground. Childrearing leave will be granted on the same basis as long term military leave.

## SECTION 11

### GOALS OF THE AFFIRMATIVE ACTION PLAN

The major and specific long range goals described below are established with the following understandings, constraints, expectancies and conditions:

1. Goals are not quotas, but guidelines.
2. Goals are reasonable and the City will make a good faith effort to achieve them.
3. Goals achievement will depend in large part on future staff attrition and availability of qualified applicants from ethnic minority groups and women.
4. Goals are developed and will be revised if necessary, based on current and annual ethnic and sex staff survey and ongoing monitoring of progress toward goals.
5. Goals shall be related to the ethnic minority population of the City and the male/female proportions within that population.

6. Financial conditions of the City of Seaside may effect goals achievement either negatively or positively.

MAJOR LONG RANGE GOALS:

1. By 1983, a good faith effort will be made to attain a staff that is reflective of the population of the City of Seaside.
2. A continuing good faith effort will be made to recruit and hire or promote from within, qualified women into positions of higher responsibility as vacancies in such positions occur.
3. When ethnic minority persons are recruited, a priority consideration shall be given whenever possible to the ethnic minority with the greatest disparity between the City's staff profile and the city population profile.

SECTION 12

EXTERNAL RELATIONSHIPS:  
UNIONS, EMPLOYMENT AGENCIES, CONTRACTORS

- A. Nothing in this plan should be interpreted as invalidating any lawful provision of any contract existing between the City and a union or other duly established bargaining agent of employees. Conversely, the City will not be party to a collective bargaining agreement, or any provision thereof, which violates equal employment opportunity laws and regulations to which the City is subject. The appropriate officials of all unions and other bargaining agents with which the City has contracts will be provided copies of this Affirmative Action Plan and be advised of the responsibilities of all employees, including union members, under it.
- B. All contractors having contracts with the City who are subject to Executive Order 11246 as well as any applicable state or local law or regulation regarding nondiscrimination in government contractors, will be advised of the jurisdiction's policy of nondiscrimination, and of the contractor's obligations thereunder. The City will not enter into any contract in the knowledge or belief that the contractor will discriminate on prohibited grounds in employment. In appropriate instances, the City will negotiate specific affirmative action measures in the applicable contract.

## SECTION 13

### AFFIRMATIVE ACTION POLICY FOR CONTRACTS AWARDED BY THE CITY OF SEASIDE IN EXCESS OF \$10,000

#### 1. General

- a. Equal employment opportunity requirements not to discriminate and to take affirmative action to assure equal employment opportunity as required by Executive Order 11246 and Executive Order 11375 are set forth in Required Contract Provisions. The requirements set forth in these Special Provisions shall constitute the specific affirmative action requirements for project activities under this contract and supplement the equal employment opportunity requirements set forth in the Required Contract Provisions.
- b. The contractor will work with the City of Seaside in carrying out equal employment opportunity obligations and in the review of his/her activities under the contract.
- c. The contractor and all his/her subcontractors holding subcontracts, not including material suppliers, of \$10,000 or more, will comply with the following minimum specific requirement activities of equal employment opportunity: (The equal employment opportunity requirements of Executive Order 11246, as set forth in Volume 6, Chapter 4, Section 1, Subsection 1 of the Federal-Aid Highway Program Manual are applicable to material suppliers as well as contractors and subcontractors.)

#### 2. Definitions

Minority group members are defined as follows:

- a. Black-- All persons having origins in any of the Black African racial groups not of Hispanic origin.
- b. Hispanic-- All persons of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish Culture or origin, regardless of race.
- c. Asian and Pacific Islanders-- All persons having origins in any of the original peoples of the Far East, Southeast Asia, the Indian Subcontinent, or the Pacific Islands.
- d. American Indian or Alaskan Native-- All persons having origins in any of the original peoples of North America and maintaining identifiable tribal affiliations through membership and participation or community identification.



### 3. Equal Employment Opportunity Policy

The contractor will accept as his operating policy, during the term of this contract, the following statement which is designed to further the provisions of equal employment opportunity to all persons without regard to their race, color, religion, sex, or national origin, and to promote the full realization of equal employment opportunity through a positive continuing program:

"It is the policy of this company to assure that applicants are employed, and that employees are treated during employment, without regard to their race, religion, sex, color or national origin. Such action shall include employment, upgrading, demotion or transfer, recruitment or recruitment advertising, lay-off or termination, rates of pay or other forms of compensation, selection for training, including apprenticeship, preapprenticeship and/or on the job training."

### 4. Equal Employment Opportunity Officer

The contractor with a workforce of more than fifteen employees will designate and make known to the City of Seaside contracting officers an equal employment opportunity officer (hereinafter referred to as the EEO Officer) who will have the responsibility for and must be capable of effectively administering and promoting an active contractor program of equal employment opportunity and who must be assigned adequate authority and responsibility to do so.

### 5. Recruitment

- a. When advertising for employees, the contractor will include in all advertisements for employees the notation: "An Equal Opportunity Employer". All such advertisements will be published in newspapers or other publications having a large circulation among minority groups in the area from which the project work force would normally be derived.
- b. The contractor will, unless precluded by a valid bargaining agreement, conduct systematic and direct recruitment through public and private employee referral sources likely to yield qualified minority group applicants including, but not limited to, state employment agencies, schools, colleges, and minority group organizations. To meet this requirement, the contractor will, through the EEO Officer, identify sources of potential minority group employees and establish with such identified sources procedures whereby minority group applicants may be referred to the contractor for employment consideration.

- c. The contractor will encourage his present employees to refer minority group applicants for employment by posting appropriate notices or bulletins in areas accessible to all such employees. In addition, information and procedures with regard to referring minority group applicants will be discussed with employees.

## 6. Personnel Actions

Wages, working conditions, and employee benefits shall be established and administered, and personnel actions of every type, including hiring, upgrading, promotion, transfer, demotion, layoff, and termination shall be taken without regard to race, color, religion, sex, or national origin. The following procedures shall be followed:

- a. The contractor will conduct periodic inspections of project sites to insure that working conditions and employee facilities do not indicate discriminatory treatment of project site personnel.
- b. The contractor will promptly investigate all complaints of alleged discrimination made to the contractor in connection with his obligations under the contract, will attempt to resolve such complaints, and will take appropriate corrective action within a reasonable time. If the investigation indicates that the discrimination may affect persons other than the complainant, such corrective action shall include such other persons. Upon completion of each investigation, the contractor will inform every complainant of all his avenues to appeal.

## 7. Training and Promotion

- a. The contractor will assist in locating, qualifying, and increasing the skills of minority group and women employees and applicants for employment.
- b. Consistent with the contractor's work force requirements and as permissible under Federal and State regulations, the contractor shall make full use of training programs, i.e., apprenticeship and on the job training programs for the geographical area of contract performance. Where feasible, 25% of apprentices or trainees in each occupation shall be in their first year of apprenticeship of training. In the event the Training Special Provision is provided under the contract, this subparagraph will be superseded as indicated in said Training Special Provisions.
- c. The contractor will advise employees and applicants for employment of available training programs and entrance requirements for each.

## 8. Unions

If the contractor relies in whole or in part upon unions as a source of employees, the contractor will use his/her best efforts to obtain the cooperation of such unions to increase opportunities for minority groups and women within the unions and to effect referrals by such unions of minority and female employees. Actions by the contractor either directly or through a contractor's association acting as agent will include the procedures set forth below.

- a. The contractor will use best efforts to develop, in cooperation with the unions, joint training programs aimed toward qualifying more minority group members and women for membership in the unions and increasing the skills of minority group employees and women so they may qualify for higher paying employment.
- b. The contractor will use best efforts to incorporate an equal employment opportunity clause into each union agreement to the end that such union will be contractually bound to refer applicants without regard to their race, color, religion, sex, or national origin.
- c. The contractor is to obtain information as to the referral practices and policies of the labor union except that to the extent such information is within the exclusive possession of the labor union and such labor union refuses to furnish such information to the contractor, the contractor shall so certify and set forth what efforts have been made to obtain such information.
- d. In the event the union is unable to provide the contractor with a reasonable flow of minority and women referrals within the time limit set forth in the collective bargaining agreement, the contractor will, through independent recruitment efforts, fill the employment vacancies without regard to race, color, religion, sex, or national origin, making full efforts to obtain qualified and/or qualifiable minority group persons and women. (The U.S. Department of Labor has held that it shall be no excuse that the union with which the contractor has a collective bargaining agreement providing for exclusive referral failed to refer minority employees). In the event the union referral practice prevents the contractor from meeting the obligations pursuant to Executive Order 11246, as amended, and these special provisions, such contractor shall immediately notify the City of Seaside.

## 9. Records and Reports

The contractor shall keep such records as are necessary to



determine compliance with the contractor's equal employment opportunity obligations. The records kept by the contractor will be designed to indicate:

- a. The number of minority and non-minority group members and women employed in each work classification on the project.
- b. The progress and efforts being made in cooperation with unions to increase employment opportunities for minorities and women (applicable only to contractors who rely in whole or in part on unions as a source of their workforce).
- c. The progress and efforts being made in securing the services of minority group subcontractor or subcontractors with meaningful minority and female representation among their employees.

The contractor will submit to the City of Seaside a monthly report, for the duration of the project, indicating the number of minority, women, and non-minority group employees currently engaged in each work classification required by the contract work.

#### 10. Contractor's Goals

Each contractor (prime or sub) shall have as a goal a workforce utilization of 20 minorities and women. Such minority and female representation shall be on a craft by craft basis in terms of "person days" or "person hours". The "person hours" for minority/female work must be substantially uniform throughout the length of the contract for each of the trades. The transfer of minority/female employees or trainees from employer to employer or from project to project for the sole purpose of meeting the contractor's or subcontractor's goals shall be a violation of these conditions.

#### 11. Minority Business Enterprise (MBE) Participation Goals

The contractor shall make every "reasonable effort" to seek out and include minority/female owned subcontractors.

- a. A Minority Business Enterprise (MBE) must be a small business concern as defined pursuant to Section 3 of the U.S. Small Business Act.
- b. A MBE may participate as a prime contractor, subcontractor, joint venture partner with a prime or subcontractor, or vendor of material or supplies.
- c. A MBE joint venturepartner must be responsible for a clearly defined portion of the work to be performed

in addition to satisfying requirements for ownership and control.

- d. A MBE must perform a commercially useful function, i.e., must be responsible for the execution of a distinct element of the work and must carry out its responsibility for actually performing, managing, and supervising the work.

The City of Seaside has established a total Minority Business Enterprise (MBE) participation goals of 9.1 percent for this project, composed of 51 percent to 100 percent MBE's owned and controlled by minorities and 0 percent to 100 percent owned and controlled by women.

## 12. Reasonable Efforts to Meet MBE Goals

To demonstrate sufficient reasonable efforts to meet the MBE contract goals, the bidder shall document the steps taken to obtain MBE participation, including but not limited to the following:

- a. Attendance at the pre-bid meeting listed in the "Notice to Contractors", if any, scheduled to inform MBE of subcontracting opportunities.
- b. Advertisement in general circulation media, trade association publications, and minority focus media for at least twenty days before bids are due. If twenty days are not available, publication for a shorter reasonable time is acceptable.
- c. Written notification to MBEs that their interest in the contract is solicited.
- d. Efforts to select portions of the work proposed to be performed by MBEs in order to increase the likelihood of achieving the stated goal.
- e. Efforts to negotiate with MBEs for specific sub-bids including at a minimum:
  - The names, addresses, and telephone number of MBEs that were contacted.
  - A description of the information provided to MBEs regarding the plans and specifications for portions of the work to be performed.
  - A statement of why additional agreements with MBEs were not reached.
- f. Concerning each MBE the bidder contacted but rejected as unqualified, the reasons for the bidder's conclusion.

- g. Effort made to assist the MBEs contacted that needed assistance in obtaining bonding or insurance required by the bidder.
- h. Contractors (prime and subs) will make every reasonable effort to seek out and give reasonable opportunity to minorities and female suppliers and brokers.
- i. Contractors (prime and subs) will make every reasonable effort to give preference to local resident suppliers (City of Seaside residents) whose prices and conditions are comparable.

The City reserves the right to review and analyze the Affirmative action profile of any and all suppliers, brokers, contractors, etc.

### 13. Requirements for Written Affirmative Action Plan

- a. Technical assistance may be received from the City's Affirmative Action Officer as to the writing of and/or implementation of the requirements.
- b. Pre-award Conference (over \$10,000). Prior to award, the apparent low bidder and the principal subcontractor(s) will be invited to an affirmative action conference. The pre-award conference will evaluate the adequacy of the contractor's proposed affirmative action plan and the contractor's estimate of his ability to meet the actual goals of these specifications. In order to qualify for the award of the construction contract, each contractor must be found to be in compliance with this plan.

### 14. Contractors and Subcontractors Bound Clause

The Affirmative Action Plan required by the City of Seaside shall be deemed a part of the resulting contract specifications. A successful bidder shall cause the Affirmative Action Plan, as established and approved, to be a part of all subcontracts, regardless of tier, under contract.

### 15. Compliance Procedures

#### a. Reporting Requirements

The following reports and material shall be submitted by each contractor and subcontractor participating in subject construction:

- (1) Date of payroll period.
- (2) Ethnic designations of each employee on the job.
- (3) Number of hours worked by all employees on the subject project and wages earned.
- (4) Address of each employee

- (5) Craft identification (Labor II, Operating Engineer, Carpenter, etc.)
- (6) Copies of all correspondence with unions requesting workers.
- (7) Copies of all correspondence to minority/female organizations.
- (8) Notification to Affirmative Action Office of project stop and start dates.

b. Enforcement

The City of Seaside shall review its contractor's and subcontractor's employment practices during the performance of the contract. Violations of any requirement of the terms of the Affirmative Action Plan submitted by a contractor or subcontractor shall be deemed to be noncompliance by such contractor or subcontractor with the affirmative action provisions of the contract.

If the contractor or subcontractor demonstrates that he/she has satisfied minority/women affirmative action goals, the contractor or subcontractor shall be presumed to be in compliance with its obligations under the bid provisions and no formal sanctions or proceedings leading toward sanctions shall be instituted.

c. Sanctions

In the event of the contractor's noncompliance with the nondiscrimination clause in this contract or with his/her approved Affirmative Action Program, whether willful or inadvertent, the contractor will be considered in breach of contract, giving the City reason to impose any remedy it may have under this contract or by operation of law, to cancel or suspend the contract in whole or in part, with continuance thereof conditioned upon a satisfactory showing to the City of the contractor's ability to comply. In the event that noncompliance determination is made, the City in its sole discretion may impose a monetary penalty in an amount not to exceed two hundred dollars or one percent of the amount of contract, whichever is more, for each working day of noncompliance for a period not to exceed one year.

The foregoing remedies shall not limit the City in exercising such other legal or equitable remedies as may be available pursuant to the contract or operation of law.

d. Formal Notification Process

To reach a final determination of noncompliance, the City, if it deems the contractor in default, shall deliver a "Written Notice of Noncompliance" to the contractor and to the subcontractor involved, specifying



the matters which constitute the default, the specific action required to cure the default, and providing for a reasonable time period in which to cure such default, which in no event shall be less than ten working days after receipt of notice by the contractor.

Contractor and subcontractor involved shall submit such oral and documentary evidence to the City as is reasonably required to establish compliance has occurred. The City shall deliver promptly to contractor and subcontractor involved a "Written Notice of Curing a Noncompliance", specifying the original default that has been cured.

In the event the City does not agree that compliance has occurred, the City shall promptly specify by a "Written Notice of Failure to Cure a Noncompliance" stating the specific facts constituting the continuing noncompliance. Upon a determination of noncompliance, the City may impose those sanctions as outlined in the Affirmative Action Plan.

#### SECTION 14

##### ENFORCEMENT

The Affirmative Action Officer shall, in the enforcement of this chapter, consider the recommendations of the Human Relations Commission and his actions and decisions shall be subject to review by the City Manager.

#### SECTION 15

##### APPEALS

The appeals process shall be followed as outlined in the Personnel Rules adopted by the City of Seaside covering specific areas of affirmative action, grievances and any such actions that would require an appeal process.

#### SECTION 16

##### STAFF ORIENTATION IN EEO

- A. Responsible supervisory personnel will be given orientation sessions regarding the provisions of the plan, applicable local, state and federal regulations, and equal employment opportunity law generally, in addition

to receiving copies of this plan and its guidelines for implementation, as provided for in Section 17 below. Update Sessions will be held periodically, with responsibility for EEO orientation and training sessions assigned to the Affirmative Action Officer.

- B. All employees in the Department of Personnel who have any direct responsibilities in the selection process will receive the equivalent of at least one full day of orientation regarding this Affirmative Action Plan and its guidelines, as well as general training with regard to the provisions of Equal Employment law. Included among the topics will be the special obligations of personnel staff members in assuring the success of the City's Affirmative Action Plan. Update sessions will be held periodically.
- C. Special meetings or orientation sessions will be organized under procedures developed by the Affirmative Action Officer to inform non-supervisory personnel and employees of their rights and obligations under the City's Affirmative Action Plan.
- D. On-going educational programs will be implemented for the purpose of educating staff in the following areas:
  - 1. Attitudes
  - 2. Communication
  - 3. Knowledge and awareness of various cultural differences
  - 4. Skills, etc.

## SECTION 17

### DISSEMINATION OF PLAN

- A. This Affirmative Action Plan, including its guidelines for implementation and supporting data is a public document. One or more copies of each document will be kept on file at public libraries or other places where public documents are kept and made available to interested persons upon request.
- B. A copy of the plan will be given to each responsible Department Head. They, in turn, will be requested to review the plan in accordance with Section 19, make its contents known to all supervisors in the department, and to acknowledge that they have taken those steps.
- C. A brief summary of the plan will be prepared by the Affirmative Action Officer and circulated to all present employees. New employees will receive a copy as they are hired.

- D. Feature articles and follow-up items will be included in appropriate City newsletters or house organs.
- E. External recruitment sources used by the City, including unions, colleges and universities, and organizations specializing in the recruitment of minorities and women, will be informed of the City's nondiscrimination policy and Affirmative Action Plan. They will be provided with copies of the summary of the plan and requested to refer racial minorities and women for all positions listed by the City.
- F. Additional steps in dissemination may be taken from time to time by the Affirmative Action Officer.

## SECTION 18

### MONITORING PERFORMANCE

- A. Under procedures developed by the Affirmative Action Officer and the Personnel Department, in consultation with the Human Relations Commission, the Personnel Department will maintain at least the following records in support of this Affirmative Action Plan:
  - 1. Applicant flow, by race, sex, national origin, and source of applicant (e.g., response to vacancy announcement, word of mouth, advertising in journals, etc.).
  - 2. Test scores and rankings on eligibility lists, by race, sex, and national origin.
  - 3. Hires, by race, sex and national origin.
  - 4. Initial placement after hired, department to which assigned, and position, by race, sex and national origin.
  - 5. Transfers and promotions, by race, sex, national origin, position and agency from which transferred or promoted and position and department to which transferred or promoted.
  - 6. Voluntary and involuntary terminations, by race, sex, national origin, type of termination, and reason therefore.
- B. The Affirmative Action Officer will review all of the above records at least annually to assure compliance with all aspects of this plan, and prepare an annual report for the City Manager regarding compliance with the plan and progress toward its objectives. The annual report, and such other periodical reports as may be deemed appropriate, will

include recommendations for any changes the Affirmative Action Officer believes are necessary for the program to better achieve its purposes.

- C. The annual report on affirmative action and other appropriate reports will be circulated to all supervisory and managerial personnel of the City who have responsibilities under the plan. The Affirmative Action Officer will make personal contact with each such supervisor or unit head whose unit appears to have significant deficiencies in affirmative action, seek explanations for the deficiencies, and offer assistance in overcoming them where appropriate.

## SECTION 19

### GUIDELINES FOR IMPLEMENTATION OF THE AFFIRMATIVE ACTION PLAN

#### Establishment of Departmental Plans

##### A. Department Affirmative Action Plans

1. Will identify obstacles which have barred members of minority and women's groups from employment or advancement at the departmental level.
2. Will include both yearly and long range goals and timetables for achieving appropriate representation of women and minorities within their department.

##### B. Department Goals

1. Should be significant, measurable, and attainable; and be designed to correct identifiable deficiencies.
2. Should provide for specific planned results with timetables for completion.
3. Should take into consideration plans for expansion and turnover of the work with the presumption that qualified or qualifiable minorities and women are in the area work force.
4. Should reflect desired levels of achievement based upon an analysis to resolve imbalances in its work force.
5. Should be coupled with adoption of genuine and effective internal techniques and procedures to locate qualified members of women and minorities.



C. Departmental Timetables

1. Departmental plans should be submitted within sixty (60) days after the adoption of the City's Affirmative Action Plan.
2. The City's Affirmative Action Plan is predicated on a five year goal; therefore, departmental first year goals should be 15% completion; second year, 35% completion; third year, 55% completion; fourth year, 75% completion; and fifth year, 100% completion.



APPENDIX "A"

ORDINANCE NO. 559  
Adopted 8/21/80

AN ORDINANCE AMENDING ORDINANCE NO. 536 - ORDINANCE ESTABLISHING A NEW PURCHASING PROCEDURE FOR THE CITY OF SEASIDE.

WHEREAS, the existing purchasing ordinance does not address the matter of minority business enterprises existing within the city limits of the City of Seaside and

WHEREAS, the City Council desires to continue its policy of support for local minorities business enterprises with in the city limits of the City of Seaside; and

WHEREAS, all City of Seaside business enterprises, including local minority business enterprises are encouraged to bid for city procurements;

NOW, THEREFORE, the City Council of the City of Seaside does ordain as follows:

SECTION 1

Paragraph 2-312, City of Seaside Business Credit of Ordinance No. 539 is hereby deleted in its entirety and the following is substituted therefor:

2-312 City of Seaside Business Credit

Whenever a bid is received by a vendor that is located within the City Limits of Seaside, a two (2%) reduction factor shall be awarded when determining the lowest responsible bidder. The purpose of this two percent (2%) reduction factor is to offset the sales tax, business license fees and any other advantages that exist when the City purchases within its boundaries. Whenever a bid is received by a vendor that is a minority business enterprise, that is, a business enterprise

which is more than fifty percent (50%) minority owned, that is located within the city limits of the City of Seaside, an additional two percent (2%) reduction factor shall be awarded when determining the lowest responsible bidder. The purpose of this additional two percent (2%) reduction factor is to encourage participation of minority owned business enterprises as vendors to the City of Seaside.

#### SECTION 2

This ordinance amends only that section of Ordinance No. 536 as stated. All other sections and parts of Ordinance No. 536 shall remain in full force and effect.



APPENDIX "B"

CITY OF SEASIDE  
STATE OF CALIFORNIA

AFFIRMATIVE ACTION PLAN FOR CD FUNDS  
UNDER SECTION 3 OF THE  
HOUSING AND URBAN DEVELOPMENT ACT OF 1968

RESOLUTION NO. 81- 24MAYOR

Glenn Olea

RESOLUTION APPROVING AN AFFIRMATIVE ACTION PLAN TO ACHIEVE  
SECTION 3 REQUIREMENTS OF THE HOUSING AND URBAN DEVELOPMENT ACT  
OF 1968, AS AMENDED

---

MAYOR PRO TEM

Bud Houser

WHEREAS, the City of Seaside is a recipient of Community Development  
Block Grant funds under the Housing and Community Development Act of  
1974, as amended; and

COUNCILMEMBERS

George Austin

Al Lioi

Mel Mason

WHEREAS, the City of Seaside and the Department of Housing and Urban  
Development has entered into a contract for the undertaking of the  
city's Community Development Block Grant Program; and

WHEREAS, the aforesaid contract imposes certain obligations and  
responsibilities upon the City of Seaside, one of which is for the  
city to formulate a plan or policies to meet the Section 3 require-  
ments of the Housing and Urban Development Act of 1968, as amended:


NOW, THEREFORE, BE IT RESOLVED By the City Council of the City of  
Seaside that the "Affirmative Action Plan Under Section 3 of the  
Housing and Urban Development Act of 1968", attached hereto and  
marked as Exhibit "A", and made a part hereof, is hereby adopted.

PASSED AND ADOPTED at a regular meeting of the City Council of the  
City of Seaside duly held on the 19th day of February, 1981, by the  
following vote:

AYES: COUNCILMEN: Lioi, Mason, Austin, Houser, and Mayor Olea

NOES: COUNCILMEN: none


ABSENT: COUNCILMEN: none

  
MAYOR, Glenn Olea

ATTEST:

  
CITY CLERK, Roger L. Kemp

APPROVED AS TO FORM:

  
CITY ATTORNEY, Donald G. Freeman

## AFFIRMATIVE ACTION PLAN FOR CD FUNDS

### 1. Purpose

To insure that, to the greatest extent feasible, projects financed by the Seaside Housing and Community Development Program provide business and employment opportunities for businesses located within Seaside city limits.

### 2. Policy

It shall be the policy of the City of Seaside:

- a. To comply with federal regulations as required by Section 3 of the Housing and Urban Development Act of 1968;
- b. To provide an ongoing program which assures the opportunity for recruitment, training and employment of lower-income persons residing in the Seaside city limits;
- c. To assure that contracts for work in connection with Community Development Block Grant projects be awarded to small businesses which are located in the Section 3 covered project area, or owned in substantial part by Section 3 covered project area residents;
- d. To insure that small business concerns owned in substantial part by socially or economically disadvantaged individuals receive affirmative consideration to the greatest extent feasible in the awarding of contracts in the field of planning, consulting, design, architecture, maintenance and repair;
- e. To encourage firms outside the Section 3 area to joint venture project proposals with local Section 3 area firms in the bidding and negotiation process.

### 3. Definitions and Terms

- a. The Section 3 project area is defined as the incorporated area of the City of Seaside.
- b. Lower-income project area residents are defined as residents whose family income does not exceed 90% of the median income of the Seaside-Salinas-Monterey Standard Metropolitan Statistical Area.
- c. Eligible business concerns are defined as:

- (1) business concerns located within the designated Section 3 project area which qualify as small under the Small Business Administration and which are listed in the HUD registry of eligible business concerns.
  - (2) Business concerns which are 51% or more owned by persons residing within the Section 3 area, are owned by persons considered by the Small Business Administration to be socially and economically disadvantaged, and which qualify as small under the Small Business Administration.
- d. HUD is defined as the Department of Housing and Urban Development.

#### 4. Contractual Requirements

In all contracts for work in connection with a Community Development project, the following clause (referred to as the Section 3 Clause) will be included:

- a. The work to be performed under this contract is on a project assisted under a program providing direct federal financial assistance from HUD and is subject to the requirements of Section 3 of the Housing and Urban Development Act of 1968, as amended, 12 U.S.C. 1701u. Section 3 requires that to the greatest extent feasible, opportunities for training and employment be given lower income residents of the project area and contracts for work in connection with the project be awarded to business concerns which are located in, or owned in substantial part by persons residing in the area of the project.
- b. The parties to this contract will comply with the provisions of said Section 3 and the regulations issued pursuant thereto by the Secretary of HUD, as set forth in 24 CFR Part 135, and all applicable rules and orders of HUD issued thereunder prior to the execution of this contract. The parties to this contract certify and agree that they are under no contractual or other disability which would prevent them from complying with these requirements.
- c. The contractor will send to each labor organization or representative of workers with which he has a collective bargaining agreement or other contract or understanding, if any, a notice advising the said labor organization or worker's representative of his commitments under this Section 3 clause and shall post copies of the notice in conspicuous places available to employees and applicants for employment or training.



- d. The contractor will include this Section 3 clause in every subcontract for work in connection with the project and will, at the direction of the City of Seaside, take appropriate action pursuant to the subcontract upon a finding that the subcontractor is in violation of regulations issued by the Secretary of HUD under 24 CFR Part 135. The contractor will not subcontract with any subcontractor where it has notice or knowledge that the latter has been found in violation of regulations under 24 CFR Part 135, and will not let any subcontract unless the subcontractor has first provided it with a preliminary statement of ability to comply with the requirements of these regulations.
- e. Compliance with the provisions of Section 3, the regulations set forth in 24 CFR Part 135, and all applicable rules and orders of HUD issued thereunder prior to the execution of the contract, shall be a condition of the federal financial assistance provided to the project, binding upon the applicant or recipient for such assistance, its successor and assigns. Failure to fulfill these requirements shall subject the applicant or recipient, its contractors and subcontractors, its successors and assigns to those sanctions specified by the grant or loan agreement or contract through which federal assistance is provided, and to such sanctions as are specified by 24 CFR Part 135.

5. Section 3 Compliance

Assurances required by HUD have been made by the City of Seaside that to the greatest extent feasible, contracts/subcontracts for work on this project be awarded to eligible project area business concerns and that to the greatest extent feasible, vacancies in the contractors/subcontractors work force be filled with lower income project area residents.

To attain this goal, the contractor shall develop an affirmative action plan for utilizing eligible project area businesses and lower income project area residents, or, adopt the City of Seaside Affirmative Action Plan. If the contractor elects to develop his own plan, it shall contain, as a minimum, the following requirements:

- a. For all work to be subcontracted, the contractor shall solicit bids from eligible project area businesses, including those listed in the HUD registry of eligible business concerns, either by direct mailing of notices (preferably) or by advertising in a local newspaper. The registry of eligible business concerns is available for inspection in the office of Community Development Department of the City of Seaside.

- b. The contractor shall notify all union or labor organizations with which he has collective bargaining agreements of the contractor's commitment to comply with the Section 3 requirements, and shall request union cooperation in utilizing lower income project area residents.
  - c. The contractor shall attempt to recruit eligible project area residents to fill all vacancies in his work force by advertising in local newspaper, by placing signs at the project site, by contacting the local State Employment Office and by requesting unions to refer lower income project area residents.
  - d. The contractor shall include with his proposal a list of the names and addresses and the dollar amounts of the subcontractors, that the contractor proposes to award to eligible project area businesses. A form for such list is included in the proposal.
  - e. Within two days after award of the project, the selected contractor shall submit to the City of Seaside the following documents:
    - (1) The contractor's affirmative action plan (if applicable);
    - (2) Copies of contractor's notices or advertisements for soliciting bids for subcontracts from eligible project area businesses.
    - (3) Copies of contractor's notice to unions requesting lower income project area residents.
    - (4) A preliminary statement of work force needs for skilled, semi-skilled, unskilled and trainees for each trade to be used on the project, including those required by his subcontractors.
6. The contractor shall determine the maximum number of trainee and employee positions that can be utilized on the project by the following methods:

Trainees:

For building construction, the number of trainees should be that which can be used reasonable in each trade during each phase of the project. However, this number may not be less than the minimum number of trainees determined appropriate by the Secretary of Labor for each building construction trade or occupations.

For non-construction occupations (or building construction occupations where the Secretary of Labor has not

set a ration for trainees), the contractor must set the maximum number of trainees feasible for each occupation, and must provide justification to the City of Seaside for this number.

Employees:

Identify the number of employees needed (skilled, semi-skilled, unskilled), by occupational categories.

Identify the number of positions currently occupied by permanent employees by occupational categories.

Identify the number of vacant/potential positions by occupational categories.

Establish a goal for the number of vacant positions to be filled by lower income area residents.

A form for this statement will be furnished to the contractor by the City of Seaside.

7. On the first working day of each month, the contractor shall submit to the City of Seaside the following documents:
  - a. An up-to-date list of names, addresses and phone numbers of all project area residents seeking employment with the contractor indicating those that were employed and if not employed, the reason why they were not employed.
  - b. An up-to-date list of the contractor's work force.
  - c. An up-to-date list of eligible project area businesses contacted and those utilized on the project, including the dollar amount of work performed or materials supplied.
  - d. A statement describing contractor's good faith efforts in recruiting lower income project area residents.

The contractor or his subcontractor may fulfill his obligations to utilize lower income project area residents as trainees or employees and to award contracts to eligible project area business concerns by presenting evidence satisfactory to the City and to the Department of Housing and Urban Development that he is a cooperating participant in a federally assisted or other public program approved by HUD which provides training, employment and/or business opportunities to lower income persons and eligible project area business concerns.

Nothing herein is intended to relieve the contractor or subcontractor during the term of this contract from compliance with Title 24 of the Code of Federal Regulations, Part 135, with respect to the matters not covered in the City of Seaside's Affirmative Action Plan.

3/83-1n

Adopted by City Council 2/19/81





Section 3 of the Housing and Urban Development Act of 1968

STATEMENT OF WORK FORCE NEEDS

T R A D E	Number of Employees Required			Number of Current Permanent Employees	Number of Existing or Potential Vacancies	Number of Trainees To Be Used
	Skilled	Semi-Skilled	Unskilled			

Estimated Number of Vacancies To Be Filled by Lower Income Project Area Residents \_\_\_\_\_

Contractor Name \_\_\_\_\_

Date \_\_\_\_\_

Address \_\_\_\_\_

Phone No. \_\_\_\_\_

Project \_\_\_\_\_

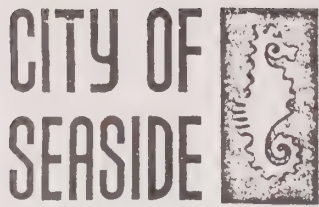
Signature \_\_\_\_\_

Title \_\_\_\_\_

APPENDIX "C"

CITY OF SEASIDE  
STATE OF CALIFORNIA

APPOINTMENT TO BOARDS AND COMMISSIONS  
OF THE CITY OF SEASIDE (Res. No. 79-54)



Stephen E. Ross  
M A Y O R

RESOLUTION NO. 79-54

Glenn Olea  
Mayor Pro Tem

A RESOLUTION DECLARING AND REAFFIRMING A POLICY OF  
EQUAL OPPORTUNITY AND NONDISCRIMINATION WITH REGARD  
TO APPOINTMENTS TO BOARDS AND COMMISSIONS OF THE  
CITY OF SEASIDE

COUNCILMEN:  
Ted Bowser  
Berdine Houser  
Louis Haddad

WHEREAS, the City of Seaside has committed itself to a broad and continuing policy of equal employment opportunity and non-discrimination in the provision of all services to members of the public; and

WHEREAS, an extensive guideline and program for the implementation of such policy has been adopted and set forth in the Affirmative Action Plan of the City of Seaside; and

WHEREAS, the City Council is desirous of reaffirming its policy that the principles of the City's affirmative action program shall apply to all boards and commissions which serve the citizens of Seaside;

NOW, THEREFORE BE IT RESOLVED by the City Council of the City of Seaside that the Council hereby declares and reaffirms a policy of equal opportunity and nondiscrimination with regard to appointments to be made to all boards and commissions of the City, to the end that all such appointments shall be made without regard to race, color, creed or religion, sex, national origin, age, physical or mental handicap, or any other factor which may be an improper basis for such an appointment decision.







U.C. BERKELEY LIBRARIES



C124895738

